

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ASCION, LLC AND MARTIN RAWLS-MEEHAN,)	
)	
Plaintiff,)	Civ. Action No. 09-cv-10293 (WGY)
)	
v.)	
)	
RUOEY LUNG ENTERPRISE CORP. and LUNG -TAN SHIH,)	
)	
Defendants.)	
)	

**DEFENDANTS' MORE DEFINITE STATEMENT REGARDING THEIR PATENT
INFRINGEMENT COUNTERCLAIM AGAINST MARTIN RAWLS-MEEHAN**

On November 16, 2009, the Court held oral argument on Plaintiff Martin Rawls-Meehan's Motion to Dismiss Defendants' Counterclaims. During that hearing, the Court found the patent counterclaims asserted by Defendants to be sufficient, but ordered that Defendants submit a more definite statement within 30 days to inform Mr. Martin Rawls-Meehan of the theory of infringement that defendants were pursuing. Pursuant to that order, Defendants Ruoeay Lung Enterprise Corp. and Lung-Tan Shih submit the following, relating only to its claim against Mr. Martin Rawls-Meehan:

1. Ruoeay Lung's Fifth Counterclaim is against both Ascione and Mr. Martin Rawls-Meehan for patent infringement of U.S. Patent No. 7,448,100 ("the '100 Patent"). On November 11, 2008, the United States Patent and Trademark Office duly and legally issued the '100 patent entitled "Motorized Bed That Is Movably Closer To The Wall" to Ruoeay Lung, as assignee of the inventor Mr. Shih. Ruoeay Lung is the legal owner of the '100 Patent and possesses all rights of recovery under the '100 Patent. A copy

- of the ‘100 Patent was attached to Defendants’ Answer and Counterclaims.
2. Upon information and belief, Ascion is a privately owned corporation. Mr. Martin Rawls-Meehan is a co-founder and managing member of Ascion, LLC. At least as of late 2006, Ascion only had four employees. As such, upon information and belief, Mr. Martin Rawls-Meehan directs and actively participates in all aspects of Ascion’s operations.
 3. As against Mr. Martin Rawls-Meehan only, Ruoye Lung is asserting its patent claim under 35 U.S.C. § 271(b) for inducement to infringe.
 4. Upon information and belief, Mr. Martin Rawls-Meehan has induced infringement and continues to induce infringement of one or more claims of the ‘100 Patent by actively and knowingly aiding and abetting Ascion’s infringement (as outlined in Ruoye Lung’s Counterclaims) of the ‘100 Patent.
 5. In addition, as stated in Ruoye Lung’s Counterclaims, upon information and belief, Mr. Rawls-Meehan disclosed technical information to both Apex and Optima regarding Ruoye Lung’s adjustable beds that embody the inventions of the ‘100 Patent and asked both companies to manufacture the bed frame for Ascion to sell to customers, including Tempur-Pedic.
 6. Mr. Martin Rawls-Meehan’s aforesaid activities have been without authority and/or license from Ruoye Lung.
 7. Ruoye Lung is entitled to recover from Mr. Martin Rawls-Meehan and Ascion the damages sustained by Ruoye Lung as a result of his wrongful acts in an amount subject to proof at trial.

8. Ruoeey Lung is informed and believes, and thereon alleges, that Mr. Martin Rawls-Meehan's inducement to infringe the '100 Patent has been and continues to be willful. As a result, Ruoeey Lung is entitled to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285 with respect to Mr. Martin Rawls-Meehan.
9. Mr. Martin Rawls-Meehan's infringement of Ruoeey Lung's exclusive rights under the '100 Patent will continue to damage Ruoeey Lung, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by the Court.

Dated: December 16, 2009

By: /s/ Jennifer L. Ishimoto
Richard F. Cauley (admitted *Pro Hac Vice*)
Franklin E. Gibbs (admitted *Pro Hac Vice*)
Jennifer L. Ishimoto (admitted *Pro Hac Vice*)
WANG, HARTMANN, GIBBS, & CAULEY P.C.
1301 Dove Street, Suite 1050
Newport Beach, CA 92660
(949) 833-8483

Scott McConchie
GRIESINGER, TIGHE & MAFFEI, LLP
176 Federal Street
Boston, MA 02110
(617) 603-0917
(617) 542-0900 (fax)
sm@gtmllp.com

Attorneys for Defendants and Plaintiffs-in-counterclaim

Certificate of Service

I, Jennifer L. Ishimoto, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on December 16, 2009.

/s/ Jennifer L. Ishimoto
Jennifer L. Ishimoto